



# PUBLIC NOTICE

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**DA 05-1001**

**Released: April 1, 2005**

## **NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT**

**WC Docket No. 05-90**

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.<sup>1</sup> Section 63.03(c)(1)(v) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."<sup>2</sup>

### **Domestic Section 214 Application Filed for Acquisition of Assets of KMC Operating Companies by TelCove, Inc., WC Docket No. 05-90, DA 05-669 (rel. Mar. 14, 2005)**

On March 14, 2005, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving TelCove, Inc. ("Buyer"), TelCove Investment, LLC, TelCove of Kentucky, Inc., TelCove Operations, Inc., TelCove of Virginia, LLC (collectively, not including the Buyer, the "TelCove Operating Companies"), KMC Telecom Holdings, Inc., KMC Telecom LLC, KMC Telecom II LLC, KMC Telecom III LLC, and KMC Telecom of Virginia, Inc. (collectively, the "KMC Operating Companies" and, together with Buyer and the TelCove Operating Companies, the "Applicants"). Specifically, the Applicants request approval to complete a transaction whereby Buyer will acquire certain assets, including certain customer accounts, from the KMC Operating Companies.<sup>3</sup> On March 28, 2005, the Applicants, along with the Department of Homeland Security ("DHS") for itself and for the Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI") (collectively, the

<sup>1</sup> 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

<sup>2</sup> See 47 C.F.R. § 63.03(c)(1)(v).

<sup>3</sup> *Domestic Section 214 Application Filed for Acquisition of Assets of KMC Operating Companies by TelCove, Inc., WC Docket No. 05-90*, Public Notice, DA 05-669 (rel. Mar. 14, 2005).

“Executive Branch Agencies”) filed with the Commission a joint petition to defer grant of this application while the Executive Branch Agencies and Applicants address potential national security, law enforcement, and public safety issues.<sup>4</sup>

This application is being removed from streamlined review in response to the request filed by the Executive Branch Agencies and the Applicants. Final action on this application should be expected once the Commission has received notification from the Executive Branch Agencies and the Applicants that the evaluation has been completed, but in no event later than 180 days from public notice that the applications were accepted for filing.<sup>5</sup>

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394 or Denise Coca at (202) 418-0574, Competition Policy Division, Wireline Competition Bureau.

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<sup>4</sup> See In the Matter of the Application of KMC Telcom Holdings, Inc., KMC Telecom LLC, KMC Telecom II, LLC, KMC Telecom III, LLC, KMC TeleCom of Virginia, Inc. and TelCove, Inc., TelCove Investment, LLC TelCove of Kentucky, Inc., TelCove Operations, Inc., and TelCove of Virginia, LLC, WC Docket No. 05-90, Joint Petition to Defer (filed Mar. 28, 2005).

<sup>5</sup> See 47 C.F.R. § 63.03(c)(2).